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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/336,091	01/03/2003	Malcolm J. Low	899-65366

CONFIRMATION NO. 7026

24197  
KLARQUIST SPARKMAN, LLP  
121 SW SALMON STREET  
SUITE 1600  
PORTLAND, OR 97204



\*OC000000010365614\*

Date Mailed: 06/26/2003

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Domestic Continuity and Foreign Priority

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

The priority or continuity claim has not been entered because it was not filed during the required time period. Applicant may wish to consider filing a petition to accept an unintentionally delayed claim for priority. See 37 CFR 1.55 or 1.78.

Continuity claimed under 35 U.S.C. § 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification. 10/255,175 filing date 09/24/02

A claim for priority cannot be made based on an application filed after the application making the claim.

Domestic benefit and foreign priority claims will not be captured in a provisional application.

A provisional application is not entitled to a right of priority or to the benefit of an earlier filing date of any other application. See 35 U.S.C. § 111(b)(7) and 37 CFR 1.53(c)(4).

A domestic continuity claim cannot be made to a foreign application and the filing receipt will only list the foreign country, application number, and filing date.

Foreign priority will appear on the Filing Receipt in the following order:  
**Country, Application number, Filing date.**

This application is the result of a conversion from a provisional application. Priority based on such application cannot be made since it no longer exists as a provisional application.

The application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as

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domestic or foreign priority. 60/234,406 filing date 9/24/01

- To change the benefit claim of a U.S. prior-filed application, applicant must amend the first sentence of the specification (if the benefit claim is referenced in the specification), or provide a supplemental application data sheet (ADS) (if the benefit claim was submitted in an ADS), with the desired benefit claim. Note that once a benefit claim is deleted, applicant will not be able to claim such prior-filed application again, if the above-identified application was filed on or after November 29, 2000.
- To change a foreign priority claim, applicant must submit a supplemental oath or declaration (if the priority claim is referenced in the oath or declaration), or a supplemental application data sheet (ADS) (if the priority claim was submitted in an ADS), with the desired priority claim. If a supplemental ADS is submitted, any deletions should be shown with strikeouts. Note that once a priority claim is deleted, applicant will not be able to claim such foreign application again, if the above-identified application was filed on or after November 29, 2000.

Halmanot Tegbasa

Customer Service Center  
Office of Initial Patent Examination  
(703) 308-1202

SAS:smm 899-65366 6/12/03

**KLARQUIST SPARKMAN, LLP**  
 16th Floor World Trade Center, 121 S.W. Salmon Street, Portland, Oregon 97204 U.S.A.  
 PHONE: 503-226-7391 FAX: 503-228-9446

**Fax No.:** (703) 746-9195

**Total No. Pages:** 5, including this cover sheet

**Message:** Transmitted herewith for filing in the above-identified application is a Request for Corrected Filing Receipt. If you do not receive all pages, or if you have problems receiving this transmittal, please call Susan Alpert Siegel, Ph.D. at (503) 226-7391.

In re application of: Low et al.

Application No.: 10/336,091

Filed: January 3, 2003

For: UPSTREAM CONTROL ELEMENTS OF THE PROOPIOMELANOCORTIN GENE AND THEIR USE

Examiner: To be assigned

Art Unit: 1632

Date: June 12, 2003

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence and any documents referred to as being transmitted herewith are being facsimile transmitted to the Patent and Trademark Office via fax number (703) 746-9195 on June 12, 2003.

  
 Susan Alpert Siegel, Ph.D.  
 Agent for Applicant

Applicant has received the official Filing Receipt for the above-identified patent application, copy attached as Exhibit A. A corrected Filing Receipt is requested for the following reason:

1) The Domestic Priority Data is listed incorrectly. Listed as "This appln claims benefit of 60/392,109 06/28/2002", should be listed as --This application claims priority to U.S. Application No. 10/255,175 filed 09/24/02, and claims benefit of U.S. Provisional Application No. 60/234,406 filed 9/24/01, and the benefit of U.S. Provisional Application No. 60/392,109 06/28/02--, as shown in the Patent Application Transmittal Letter attached as Exhibit B. The priority claim also appears on the first page of the specification.

Applicant respectfully requests that a corrected Filing Receipt Document be issued and forwarded to applicant's attorney for this application.

Should any further information be desired concerning this matter, please telephone the undersigned.

Please charge this fee and any additional fees that may be required in connection with filing of this Request for Corrected Filing Receipt to Deposit Account 02-4550.

  
 Susan Alpert Siegel, Ph.D.  
 Registration No. 43,121

June 12, 2003  
 Date

cc: Docketing

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS CONFIDENTIAL AND ONLY FOR THE INTENDED RECIPIENT IDENTIFIED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR USE OF THIS COMMUNICATION IS UNLAWFUL. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE (COLLECT), RETURN THE ORIGINAL MESSAGE TO US, AND RETAIN NO COPY.

Page 1 of 2

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/336,091	01/03/2003	1632	689	899-65366	25	43	4

PREVIOUSLY DOCKETED

24197  
 KLARQUIST SPARKMAN, LLP  
 121 SW SALMON STREET  
 SUITE 1600  
 PORTLAND, OR 97204

CONFIRMATION NO. 7026

UPDATED FILING RECEIPT



"OC000000009945628"

Date Mailed: 05/02/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

- Malcolm J. Low, Lake Oswego, OR;
- Marcelo Rubinstein, Buenos Aires, ARGENTINA;
- Flavio Silva Junqueira de Souza, Buenos Aires, ARGENTINA;

## Assignment For Published Patent Application

Oregon Health & Science University;

## Domestic Priority data as claimed by applicant

This appn claims benefit of 60/392,109 06/28/2002

## Foreign Applications

If Required, Foreign Filing License Granted: 02/10/2003

Projected Publication Date: 01/01/2004

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

Upstream control elements of the proopiomelanocortin gene and their use

**Preliminary Class**

800

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(e) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SAS:jam 01/03/03 16175  
 Attorney Reference Number 899-65366  
 PATENT

EXPRESS MAIL NO. EV211106881US  
 DATE OF DEPOSIT: January 3, 2003

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION  
 COMMISSIONER FOR PATENTS  
 WASHINGTON, D.C. 20231

  
 24197

Transmitted herewith for filing is the patent application of:

Inventor(s): Malcolm Low, Marcelo Rubinstein and Flavio Silva Junquiera de Souza

For: UPSTREAM CONTROL ELEMENTS FOR THE PROOPiomelanocortin  
 GENE AND THEIR USE

Enclosed are:

- 28 pages of specification, 2 pages of claims, an abstract and a Combined Declaration and Power of Attorney (unsigned).
- 25 sheet(s) of drawings.
- An assignment of the invention to: \_\_\_\_\_, a Recordation Cover Sheet, and the Recordal fee of \$40.00.
- Associate Power of Attorney.
- Information Disclosure Statement.
- Form PTO-1449 and copies of documents listed thereon.
- Request for Non-publication and Certification under 35 U.S.C. § 122(b)(2)(B)(i).

## CLAIMS AS FILED

For	Claims	Number	Number	Basic Fee	
	Filed	Free	Extra	Rate	\$375.00
Total Claims	43	20	= 23	\$9.00	\$ 207.00
Independent Claims	4	3	= 1	\$42.00	\$ 42.00
Multiple Dependent Claim Fee				\$140.00	
<b>TOTAL FILING FEE</b>					<b>\$624.00</b>

- Applicants claim priority to U.S. Application No. 10/255,175, filed September 24, 2002, and claims the benefit of the earlier filing date of U.S. Provisional Application No. 60/325,406, filed on September 24, 2001, and U.S. Provisional Application No. 60/392,109, filed June 28, 2002. The entire disclosures of these applications are considered to be part of the disclosure of the accompanying application and are incorporated herein by reference.
- This invention was made with United States government support pursuant to grants TW01233 and DK55819, from the National Institutes of Health.

EV211106881US

Page 1 of 2

SASjam 01/03/03 161751  
Attorney Reference Number 899-65366  
PATENT

EXPRESS MAIL NO. EV211106881US  
DATE OF DEPOSIT: January 3, 2003

- Assignee for this application is or will be Oregon Health & Science University, and applicants request that this information be listed on the published application.
- Small entity status is claimed for this application.
- A check in the amount of \$624.00 to cover  filing fee and  assignment recordal fee is enclosed.
- The Director is hereby authorized to charge any additional fees that may be required in connection with the filing of this application and recording any assignment filed herewith, or credit over-payment, to Account No. 02-4550. A copy of this sheet is enclosed.
- Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By   
Susan Alpert Siegel, Ph.D.  
Registration No. 43,121

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cc: Docketing